

With respect to the Restriction No. 1 (see, page 2, line 9 through page 4, line 8 of the Office Action), the Applicants elect, with traverse, **Group VI**, wherein claim 1 is drawn to a method for delivering protein into a cell *in vivo*, comprising administering to the cell a composition which comprises the compound to be delivered and an organic halide. Further to comply with the requirement to indicate which of the compounds listed on p. 42, line 30, through p. 56, line 2, read on the election (see, page 13, lines 1-3 of the Office Action), the Applicants respectfully submit that the list of the pharmaceutical agents that starts on page 42, line 30 of the application ends on page 45, line 2, not on page 56, line 2. With that in mind, the Applicants respectfully submit that **each of the pharmaceutical agents on the list** is encompassed by the present election.

The traversal is being made on the grounds that the restriction is unnecessary in this case, as claims of Groups I-X are not directed to distinctly different inventions. Indeed, the claims of all the groups are drawn to methods of delivery of various compounds into a cell. The Applicants submit that the principal difference in the subject matter claimed in claims of the groups identified by the Examiner is the *in vitro* as opposed to the *in vivo* mode of delivery, as well as the difference in the compounds being delivered. It is respectfully submitted that these differences are such that examining all the claims will not impose an undue burden on the Examiner. Accordingly, there is no need for the restriction.

Further, with respect to the Restriction No. 2 (see, page 13, line 5 through page 15, line 8 of the Office Action), the Applicants elect, with traverse, **Group I**, wherein claim 1 is drawn to a method for delivering protein into a cell using a composition comprising a **halogenated alkyl chain**.

Further to comply with the requirement to indicate which organic halides listed on pp. 8-11 of the application read on the election (see, page 15, lines 17-18 of the Office Action), the Applicants respectfully submit that only the aromatic and heterocyclic

halides on the list, as well as bromine pentafluoride, sulfur hexafluoride and selenium hexafluoride **are not encompassed** by the election; all other listed compounds **are encompassed**. Accordingly, the following is the list of the compounds that **are encompassed** by the election:

1-bromo-nonafluorobutane; perfluoroctyl iodide; perfluoroocetyl bromide;
1-chloro-1-fluoro-1-bromomethane; 1,1,1-trichloro-2,2,2-trifluoroethane;
1,2-dichloro-2,2-difluoroethane; 1,1-dichloro-1,2-difluoroethane;
1,2-dichloro-1,1,3-trifluoropropane; 1-bromoperfluorobutane;
2-iodo-1,1,1-trifluoroethane; 5-bromo-*valeryl* chloride;
1,3-dichlorotetrafluoroacetone; 1-bromo-1,1,2,3,3,3-hexafluoropropane;
2-chloro-1,1,1,4,4,4-hexafluoro-2-butene; 2-chloropentafluoro-1,3-butadiene;
iodotrifluoroethylene; 1,1,2-trifluoro-2-chloroethane; 1,2-difluorochloroethane;
1,1-difluoro-2-chloroethane; 1,1-dichlorofluoroethane; heptafluoro-2-iodopropane;
bromotrifluoroethane; chlorotrifluoromethane; dichlorodifluoromethane;
dibromofluoromethane; chloropentafluoroethane; bromochlorodifluoromethane;
dichloro-1,1,2,2-tetrafluoroethane; 1,1,1,3,3-pentafluoropentane; perfluorotributylamine;
perfluorotripropylamine; 2,2,2-trifluoroethyl acrylate; 3-(trifluoromethoxy)-acetophenone;
1,1,2,2,3,3,4,4-octafluorobutane; 1,1,1,3,3-pentafluorobutane; 1-fluorobutane;
1,1,2,2,3,3,4,4-octafluorobutane; 1,1,1,3,3-pentafluorobutane; tetradeca-*perfluoroheptane*;

dodecaperfluorocyclohexane; perfluoromethane; perfluoroethane; perfluoropropane; perfluorobutane; perfluoropentane; perfluorohexane; perfluoroheptane; perfluorooctane; perfluorononane; perfluorodecane; perfluorododecane; perfluoro-2-methyl-2-pentene; perfluorocyclohexane; perfluoropropylene; perfluorocyclobutane; perfluoro-2-butyne; perfluoro-2-butene; perfluorobuta-1,3-diene; perfluorobutylethyl ether; bis(perfluoroisopropyl) ether; bis(perfluoropropyl) ether; perfluoromethyl tetrahydrofuran; perfluoro t-butyl methyl ether; perfluoro isobutyl methyl ether; perfluoro n-butyl methyl ether; perfluoro isopropyl ethyl ether; perfluoro n-propyl ethyl ether; perfluoro cyclobutyl methyl ether; perfluoro cyclopropyl ethyl ether; perfluoro isopropyl methyl ether; perfluoro n-propyl methyl ether; perfluoro diethyl ether; perfluoro cyclopropyl methyl ether; perfluoro methyl ethyl ether; and perfluoro dimethyl ether.

The traversal on the following grounds. MPEP §803.02(a) makes it improper to make a restriction requirement if the species are sufficiently few or so closely related (unity of the invention exists) that a search and examination can be made without serious burden on the examiner. The test to determine whether there is a unity of invention between the species is to determine whether they share a common utility and whether they share a substantially similar structural feature.

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It is respectfully submitted that all of the conditions for finding the unity of invention are present. All the species belonging to each of categories I-XXI identified by the Examiner in the Restriction No. 2 share substantial structural features, all of them being halogenated products. The number of the species is not unreasonably large and the examination of such number of devices should not be burdensome.

In view of the foregoing, reconsideration and withdrawal of the restriction and the election of species requirements are respectfully requested. Should any questions remain in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

A check in the amount of \$60.00 is enclosed as payment for the one-month Petition for Extension of Time fee. No other fee is believed due with the filing of this Response. However, the Commissioner is hereby authorized to charge any other fees that may be required by this paper or credit any overpayment to Deposit Account No. 07-1896 referencing the above-identified attorney docket number. A duplicate copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

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